IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL ST.NO.17412 OF 2006

Baburao Bala Bhosale & Ors. ...Appellants
vs.
Shankar Ramkrishna Kulkarni
(since deceased through L.Rs.) ...Respondents

Mr.Dilip Bodake for the Appellants
Mr.P.V.Samant for the Respondents

CORAM: A.S.OKA, J.
DATED: AUGUST 7, 2006.

P.C.:

1. The Appeal is by the Defendants-Judgment Debtors. Decree for possession was passed in favour of the Respondents-Decree holders. It is not in dispute that the decree for possession has been confirmed by the Appellate Court.

2. Shri Bodake for the Appellant submitted that the decree passed in favour of the Respondents is not executable. He pointed out that in the plaint filed by the Respondents-decree holders the first prayer is for removal of shed and delivery of possession of the open land. He submitted that there is no decree passed for removal of shed.

3. It is difficult to accept the submissions. The suit filed by the original Plaintiffs has been decreed by holding that the termination of tenancy of the Appellants was legal and valid. There is also an order passed by the executing court directing the Judgment Debtors to remove all material from the suit property and give vacant possession to the decree holders. The case made out by the Appellant that the decree was inexcutable cannot be accepted. There is no merit in the Appeal. Appeal is dismissed with no order as to costs.

Judge.